



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
o. 843.216.9000 f. 843.216.9450

Fred Thompson III
Licensed in South Carolina
direct: 843.216.9118
fthompson@motleyrice.com

March 14, 2023

VIA ECF

Hon. Richard Mark Gergel
U.S. District Court for the District of South Carolina
J. Waites Waring Judicial Center
83 Meeting Street
Charleston, South Carolina 29401

Re: *In re AFFF Products Liability Litigation*, MDL No. 2:18-mn-2873-RMG

Dear Judge Gergel:

The Co-Chairs of the Plaintiffs' AFFF MDL Science Committee, Scott Summy, Gary Douglas, Christina Cossich, and Robert Bilott ("Science Committee Co-Chairs") write to provide further information concerning U.S. Environmental Protection Agency ("EPA") Notice of Proposed Rulemaking ("NPRM") entitled, "PFAS National Primary Drinking Water Regulation Rulemaking,"¹ which is discussed in the Department of Justice's ("DOJ") correspondence, dated March 14, 2023 [ECF No. 2903].

As set forth in DOJ's correspondence, EPA is proposing legally mandated regulatory standards, maximum contaminant levels ("MCLs") for both PFOA and PFOS at a level of 4 parts per trillion ("ppt"). These proposed MCLs will go into a 60-day comment period as soon as the proposed rule is published in the Federal Register.

However, in addition to announcing the proposed MCLs, EPA likewise accompanied the announcement with a corollary document, the enclosed EPA FAQ Sheet, which makes clear that it is EPA's current position that there is no safe level for PFOA and/or PFOS in drinking water stating:

EPA determined **PFOA and PFOS are likely carcinogens (i.e., cancer causing)** and that there is **no level of these contaminants that is without a risk of adverse health effects.**²

¹ See Notice of Proposed Rulemaking, available at: <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>.

² FAQ Sheet, at 3. (emphasis added).



March 14, 2023
Page 2

Given that there is no higher regulatory authority than EPA, no prudent water provider can ignore this important safety information even prior to it becoming legally enforceable.

We thank the Court for its continued time and courtesies.

Respectfully submitted,

A handwritten signature in black ink that reads "Fred Thompson III".

Fred Thompson, III
Plaintiffs' Liaison Counsel

Encl.

cc: All Counsel of Record (by ECF)
Cary Kotcher, Esq. (via email) (Cary_Kotcher@scd.uscourts.gov)